IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.2018/2002.

Smt.Meena Kumari Agrawal.

VERSUS

The Principal, S.M.S.Medical College & Anr.

01.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Rajendra Prasad Sharma, for the petitioner.
Mr.B.K.Sharma, Deputy Government Advocate.

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The petitioner applied for admission to the B.Sc. (Nursing) Part-III Course. As per the Ordinance 299 V-1 26 seats are available for B.Sc. (Nursing) Part-III Course for Trained and Registered Nurse. The Ordinance 299 V-1 which has been reproduced at para 3 of the writ petition provides that the percentage of female candidate shall not fall below 50% of the total seats.

It is submitted that accordingly out of 26, 13 seats were required to be filled-in by the female candidates. It is submitted that out of the 13 seats, 7 were for General Category and 6 were for Reserved Categories of OBC & SC/ST. It is further submitted by the learned counsel for the petitioner that no female candidate joined the course out of OBC & SC Category and two female candidates were admitted for the ST Category, as such, out of 6 only 2 seats were filled-in by the Reserved Categories. The clause (v) of the notes below the Ordinance 299 V-3 provides as under:-

> "(v) In case the reserve seats are not filled in a particular category unfilled seats will be transferred to general seats."

It is submitted by the learned counsel for the petitioner that the petitioner was No.2 in the order of merit out of the candidates who did not secure admission after the 7 candidates admitted to the general category. It is submitted that four seats of female candidates of the Reserved Category were to be filled-in as per the Note (v) below the Ordinance 299 V-3 and as such the petitioner would be at No.2 in the order of merit to be eligible for admission. The petitioner has also filed Annexure-4, the order dated 14.02.2002, whereby one Mrs.Anshu Garg was granted admission to the B.Sc. (Nursing) Part-III (Trained and Registered Nurse)Course in the same Session and that her merit position was one above the petitioner in the order of merit, as such, the petitioner is also eligible for being admitted to the aforesaid course.

This court, when the matter came up earlier for admission on 05.04.2002 had directed while issuing notices to the respondents, in the above facts and circumstances, to grant provisional admission to the petitioner in the B.Sc. Nursing Part-III Course.

It has been submitted before the court by the learned counsel for the parties that in the meanwhile, the aforesaid course of 2001 being for a duration of two years has already been completed and the result of the petitioner has also been declared according to which the petitioner has successfully completed the course. It is

further submitted that since the admission was provisional, the marksheet issued to the petitioner is also provisional, subject to the final decision of the writ petition.

Having heard learned counsel for the parties, I am of the view that since the petitioner has already successfully completed the course and admission was granted to her by order of this court dated 05.04.2002, no useful purpose would be served by keeping the result of the petitioner as provisional.

In the light of the above facts, the writ petition stands allowed. The respondents are directed to issue final marksheet to the petitioner for B.Sc. Nursing Part-III for both the years.

Consequently, the writ petition as well as the stay application stand disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.